

AMENDMENT  
U.S. Appln. No. 08/941,236

greater than 1 [taking into account] based on the response times of the components of said communications network.

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4. (Amended) A method according to claim 1, wherein said [channel utilization] factor is inserted into the packets transmitted towards said destination customer-premises equipment.

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5. (Amended) A method according to claim 1, wherein said [channel utilization] factor is transmitted in a special empty packet towards said destination customer-premises equipment in the absence of return traffic.

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**REMARKS**

Claims 1-5 are all the claims pending in the application. Claims 1, 2, 4, and 5 have been amended by this response. Reconsideration and allowance of Applicant's claims are respectfully requested in view of the following remarks.

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority documents.

Applicant acknowledges the indication of allowable subject matter in claim number 3.

Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,633,861 to Hanson ("Hanson"). This rejection is respectfully traversed.

Claim 1 recites, among other things, determining a factor related to the rate at which